

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DINA CAPITANI,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:19-cv-00120
)	
WORLD OF MINIATURE BEARS, INC.,)	
et al.)	
)	Judge Crenshaw
Defendants.)	Magistrate Judge Frensley

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO FILE MOTION FOR ATTORNEY'S FEES, COSTS, EXPENSES,
AND PREJUDGMENT INTEREST**

Plaintiff Dina Capitani (“Plaintiff”) respectfully moves the Court to extend the deadline for filing her Motion for Attorney’s Fees, Costs, Expenses, and Prejudgment Interest following the Court’s Findings of Fact & Conclusions of Law (Doc. 121) entered August 2, 2021, and Entry of Judgment (Doc. 123) entered August 3, 2021. As grounds for this Motion, Plaintiff states the following:

1. On August 2, 2021, the Court entered its Findings of Fact & Conclusions of Law (Doc. 121) wherein it found Defendant MiniBears Gems & Gifts, Inc. (“MBG”) liable to Plaintiff for copyright infringement. *Id.* at 26. Citing Fed. R. Civ. P. 54 and M.D. Tenn. L.R. 54.01, the Court invited Plaintiff “to file a separate motion for attorney’s fees, costs, expenses, and prejudgment interest” and reserved a decision on whether to award those fees until presented with the motion. *Id.* The Court filed an Entry of Judgment on the following day, August 3, 2021. (Doc. 123.)

2. Federal Rule of Civil Procedure 54 requires motions for attorney's fees to be filed within 14 days of judgment. Fed. R. Civ. P. 54. Local Rule 54.01 requires motions for attorney's fees and costs to be filed within 30 days of judgment. Local Rule 54.01(a)-(b).

Based on the Court's Local Rules and applicable case law (*see Miller v. Hurst*, No. 3:17-CV-00791, 2021 WL 859552, at *1 (M.D. Tenn. Mar. 8, 2021) (finding that "[t]he Local Rule pertaining to attorney's fee motions supplants the deadline imposed by the Federal Rules of Civil Procedure, and it authorizes the filing of such motions within thirty days from the entry of final judgment), Plaintiff believes that Local Rule 54.01's 30-day deadline applies in this case (rather than Fed. R. Civ. P. 54's 14-day deadline), making Plaintiff's motion due no later than September 2, 2021.

3. Out of an abundance of caution, Plaintiff planned to file the applicable motion within 14 days of the August 3, 2021 judgment, or by Tuesday, August 17, 2021, in the event the Court should find that Fed. R. Civ. P. 54 governs the deadline for Plaintiff to file her motion. However, due to the sudden and unexpected death of Plaintiff's counsel's brother last week, and the need for Plaintiff's counsel to address her brother's affairs, Plaintiff's counsel files this motion requesting that, to the extent Fed. R. Civ. P. 54 should govern, Plaintiff be permitted to file her motion within 30 days from the date of judgment, or by September 2, 2021.

4. Plaintiff's counsel contacted the Court's courtroom staff who recommended that Plaintiff's counsel file the instant motion.

5. Plaintiff's counsel has also contacted defense counsel who do not oppose Plaintiff's motion.

WHEREFORE, to the extent that Fed. R. Civ. P. 54 should govern the filing of Plaintiff's Motion, Plaintiff respectfully requests that the Court enter an Order granting Plaintiff until

September 2, 2021, to file her Motion for Attorney's Fees, Costs, Expenses, and Prejudgment Interest.

Respectfully submitted by:

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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2021, a true and exact copy of the foregoing has been served on the following via the Court's electronic filing system:

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